



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Kayode Olofinro,
Registered Environmental Health
Specialist, Public Health (M0343B),
City of Elizabeth

CSC Docket No. 2021-948

Examination Appeal

ISSUED: MAY 3, 2021 (RAM)

Kayode Olofinro appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the announced requirements for the open competitive examination for Registered Environmental Health Specialist, Public Health (M0343B), City of Elizabeth.

By way of background, the announcement for the subject examination was issued on February 15, 2020 and open to individuals who met the residency requirement and possessed a valid Registered Environmental Health Specialist License issued by the New Jersey Department of Health and Senior Services as of the March 6, 2020 closing date. It is noted that four individuals were found eligible for the subject examination, and the resulting eligible list promulgated on December 10, 2020 with an expiration date of December 9, 2023. A certification was issued on December 10, 2020,¹ which resulted in two appointments effective March 8, 2021 and April 16, 2021. The remaining eligibles were removed for failure to respond to the Notice of Certification.

On his application, the appellant listed his education and experience. However, he did not indicate possession of a valid Registered Environmental Health Specialist License. As the appellant did not list the required license on his application, Agency Services found him ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant states that at the time he applied for the subject examination, he was not aware that he was

¹ There were five individuals listed on the certification, as one eligible from a prior eligible list (M0228A) was certified.

required to submit a copy of his license, which was issued on or about January 30, 2020 with an expiration date of December 31, 2020. The appellant provides a copy of his license along with his appeal. It is noted that the appellant's license has been renewed and remains valid. Thus, the appellant is requesting reconsideration of his eligibility for the subject examination after the March 6, 2020 closing date.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Agency Services correctly determined that the appellant was not eligible for the subject examination as he did not indicate the required license or registration on his application. On appeal, the appellant describes how he was not aware that he was required to submit his license along with his application. However, a review of the announcement for the subject examination finds that the announcement specifically advised applicants to upload a copy of their license with their application and indicated that failure to do so would result in their ineligibility. Nevertheless, the appellant submits documentation indicating that he possessed the required license listed on the announcement as of the examination closing date and has maintained its validity. Moreover, the eligible list is now exhausted. In that regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Under the circumstances presented, the Commission finds that there is good cause to relax *N.J.A.C.* 4A:4-2.1(f) and allow the appellant's name to be added to the eligible list for prospective opportunities.

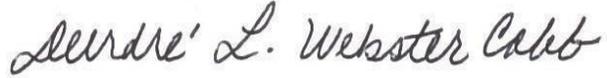
Finally, the Commission notes that the appellant's remedy is based on the circumstances of this matter and cautions the appellant that for future examination announcements, he must ensure that his application has been fully completed prior to the closing date. As this remedy is limited to the unique circumstances of this matter, it does not provide a precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 28th DAY OF APRIL, 2021



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